

ATTORNEY DOCKET NO. INVSC.4

AMENDMENT AND RESPONSE
SERIAL NO. 10/086,584

7

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 22, 2006. Claims 44, 45, 46, 47, 48, 54 and 60 are currently pending in this Application. As discussed more fully below, Applicants believe that the Application is in condition for allowance, and that all rejections and objections have been addressed and overcome.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected Claims 44, 45, 46, 54 and 60 under 35 U.S.C. § 103 based on *Eckstein* (5203390) in view of *Shih* (6138727), and further in view of either *Chapman* (1927489) or *Hendren* (5813080), and Claims 47 and 48 under 35 U.S.C. § 103 based on *Eckstein* in view of *Solheim* (4667716). The Examiner relied upon the secondary references for limitations not present or taught in the *Eckstein* reference. For example, the Examiner cited the *Shih* reference for the recitation of foam, cited the *Hendren* and the *Chapman* reference for the recitation of a hook element, and cited the *Solheim* reference for the recitation of closed-cell foam and a logo. Applicants note that, after extensive searching, no reference could be matched or located that corresponded to the Examiner's recitation of the *Chapman* reference. In any event, Applicant's submit that the discussion below overcomes the Examiner's rejection based upon the *Eckstein* reference.

Applicants have previously addressed the applicability of the *Eckstein* reference to the claimed invention in prior responses, including responses filed on October 6, 2003, March 12, 2004 and February 22, 2005. Applicants once again reiterate

ATTORNEY DOCKET NO. INVSC.4

AMENDMENT AND RESPONSE
SERIAL NO. 10/086,584

8

that Eckstein teaches away from the present invention by requiring that the "retainer, such as a drawstring, is positioned at the open end of the sleeve for retaining the **open end into secure engagement to the handle of a golf club**" (emphasis added). See e.g. Abstract. Independent Claim 44, which all pending claims depend from, expressly recites the following limitation:

while a portion of the shaft of the golf club is positioned within the opening of the outer foam layer without the opening being securely engaged around the portion of the shaft of the golf club positioned within the opening.

Because *Eckstein* expressly teaches away from the highlighted claim limitation of Claim 44, this reference neither anticipates nor renders obvious any of the pending claims. Further, the combination of *Eckstein* and any of the cited references neither teaches or suggests the invention as claimed.

None of the currently or previously cited references, either individually or in combination, disclose, describe, teach or contemplate the claimed invention of independent Claim 44. As such, the structural limitations of Claims 44, 45, 46, 47, 48, 54 and 60 render these claims patentably distinct. As such, Applicants respectfully request that the Examiner withdraw these rejections.

Applicants respectfully submit that this Application is in full condition for allowance, and Applicants respectfully

ATTORNEY DOCKET NO. INVSC.4

AMENDMENT AND RESPONSE
SERIAL NO. 10/086,584

9

request that the Examiner allow pending Claims 44, 45, 46, 47,
48, 54 and 60.

ATTORNEY DOCKET NO. INVSC.4

AMENDMENT AND RESPONSE
SERIAL NO. 10/086,584

10

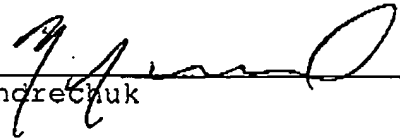
CONCLUSION

Applicants respectfully submit that the Application is in condition for allowance, and Applicants earnestly seek such allowance of pending Claims 44, 45, 46, 47, 48, 54 and 60. Should the Examiner have any questions or suggestions in furtherance of the prosecution of this Application, please contact Applicants at 214.828.7387. Applicants stand ready to conduct a telephone interview with the Examiner to review this Application if the Examiner believes that such an interview would assist in the advancement of this Application.

To the extent that any further fees are required during the pendency of this Application, including petition fees, the Commissioner is hereby authorized to charge payment of any additional fees, including, without limitation, any fees under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, to the credit card identified in the previously provided *Credit Card Payment Form* and reference Attorney Docket No. INVSC.4. Please credit any overpayments to this same credit card.

This is intended to be a complete response to the Office Action mailed February 22, 2006.

Respectfully submitted,


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